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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re:**

**LECLAIRRYAN PLLC,**

**Debtor.**

**Lynn L. Tavenner, as Chapter 7 Trustee,**

**Plaintiff,**

**vs.**

**ULX Partners, LLC and UnitedLex Corporation,**

**Defendants.**

**Chapter 7**

**Case No. 19-34574 (KRH)**

**Adv. Pro. No. 20-03142-KRH**

**DESIGNATION OF RECORD  
WITH RESPECT TO DEFENDANTS' OBJECTION TO THE BANKRUPTCY  
COURT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
REGARDING DEFENDANTS' MOTION TO WITHDRAW THE REFERENCE**

Defendants ULX Partners, LLC and UnitedLex Corporation, (collectively, "**Defendants**"), with the agreement of Plaintiff Lynn L. Tavenner, in her capacity as the Chapter 7 Trustee (the "**Trustee**"), by counsel and pursuant to Bankruptcy Rule 9033(b), hereby designates the following

as the record with respect to *Defendants' Objection to the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law* [AP. Docket No. 35]:

**A. ADVERSARY PROCEEDING NO. 20-03142 (KRH)**

1. Complaint [AP. Docket No. 1];
2. Corrected Complaint [AP. Docket No. 4];
3. Summons and Notice of Pre-Trial Conference [AP Docket No. 6];
4. Stipulation by ULX Partners, LLC, UnitedLex Corporation and Lynn L. Tavenner as Chapter 7 Trustee [AP. Docket No. 7];
5. Pre-Trial Order [AP. Docket No. 9];
6. Notice of Appearance filed by David G. Barger of Greenberg Traurig, LLP on behalf of ULX Partners, LLC, UnitedLex Corporation [AP. Docket No. 10];
7. Transcript filed Re: Hearing Held 12/17/2020 [AP. Docket No. 11];
8. Motion for Withdrawal of Reference and Memorandum in Support Thereof [AP. Docket No. 13];
9. Designation of Record Regarding Withdrawal of Reference (and all documents identified therein) [AP. Docket No. 15];
10. Notice of Motion regarding Motion for Withdrawal of Reference [AP. Docket No. 16];
11. Defendants' Motion to Partially Dismiss the Complaint [AP. Docket No. 17];
12. Defendants' Memorandum in Support of Motion to Partially Dismiss the Complaint (including all exhibits) [AP. Docket No. 18];
13. Trustee's Opposition to Defendants' Motion for Withdrawal of Reference [AP. Docket No. 19];
14. Trustee's Designation of Record Regarding Withdrawal of Reference (and all documents identified therein) [AP. Docket No. 20];
15. Reply to Trustee's Objection to Defendants' Motion to Withdraw the Reference [AP. Docket No. 21];
16. Supplemental Statement of the Record (and all documents identified therein) [AP. Docket No. 22];

17. Trustee's Opposition to Defendants' Motion to Partially Dismiss the Complaint [AP. Docket No. 25];
18. Reply to Trustee's Opposition to Defendants' Motion to Partially Dismiss the Complaint [AP. Docket No. 26];
19. Notice of Hearing [AP. Docket No. 27];
20. Certificate of Service of Discovery Documents [AP. Docket No. 28];
21. Stipulation by Lynn L. Tavenner, as Trustee, Reflecting Agreed Protective Order with Defendants [AP. Docket No. 29];
22. Order Continuing Hearing [AP. Docket No. 30];
23. Proposed Findings of Fact and Conclusions of Law regarding Defendants' Motion to Withdraw the Reference [AP. Docket No. 32];
24. Objection to Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law (including all exhibits) [ AP. Docket No. 35];
25. Certificate of Service of Subpoena (McGladrey/RSM) [AP. Docket No. 36];
26. Certificate of Service of Subpoena (Wells Fargo) [AP. Docket No. 37];
27. Certificate of Service of Subpoena (Elliott Davis, LLC) [AP. Docket No. 38];
28. Certificate of Service of Subpoena (SB2 Consultants LLC) [AP. Docket No. 39];
29. Certificate of Service of Subpoena (Bruce Green) [AP. Docket No. 40];
30. Order Setting Status Conference [AP. Docket No. 41];
31. Trustee's Response to Defendants' Objection to the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law (including all exhibits) [AP. Docket No. 43].

**B. BANKRUPTCY PROCEEDING NO. 19-34574 (KRH)**

32. Declaration of Lori D. Thompson, Esq. in Support of Chapter 11 Petition and FirstDay Motions [Docket No. 3] filed on September 3, 2019;
33. Motion of LeClairRyan PLLC for Entry of Interim and Final Order Authorizing theDebtor to Use Cash Collateral [Docket No. 13];
34. Declaration of Guy A. Davis in Support of Motion of LeClairRyan PLLC for Entryof Interim and Final Order Authorizing the Debtor to Use Cash Collateral [DocketNo. 14] filed on September 3, 2019;

35. Interim Order Authorizing LeClairRyan PLLC to Use Cash Collateral, Granting Adequate Protection and Related Relief, and Scheduling a Final Hearing [Docket No. 41] entered on September 4, 2019;
36. United States Trustee Motion to Convert Case to Chapter 7 [Docket No. 61] filed on September 12, 2019;
37. Notice of Appearance of David G. Barger filed by David G. Barger of Greenberg Traurig, LLP on behalf of ULX Partners, LLC and UnitedLex Corporation [DocketNo. 62];
38. Motion to Appear Pro Hac Vice of John Gregory Milmoie filed by David G. Barger of Greenberg Traurig, LLP on behalf of ULX Partners, LLC and UnitedLex Corporation [Docket No. 63];
39. Notice of Appearance of Thomas John McKee Jr. filed by Thomas John McKee Jr. of Greenberg Traurig, LLP on behalf of ULX Partners, LLC and UnitedLex Corporation [Docket No. 64];
40. Second Interim Order Authorizing LeClairRyan PLLC to Use Cash Collateral, Granting Adequate Protection and Related Relief, and Scheduling a Final Hearing [Docket No. 124] entered on September 26, 2019;
41. Order of Conversion of Chapter 11 to Chapter 7 [Docket No. 140] entered on October 4, 2019;
42. Trustee's Motion for Use of Cash Collateral and Grant of Adequate Protection Related Thereto and Memorandum in Support Thereof [Docket No. 143] filed on October 4, 2019;
43. Chapter 7 Trustee's First Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 151] entered on October 4, 2019;
44. Appointment of Interim Trustee and Designation of Required Bond [Docket No. 175] filed on October 23, 2019;
45. Chapter 7 Trustee's Second Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 191] entered on October 24, 2019;
46. Chapter 7 Trustee's Third Interim Order of (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363 and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 255] filed on November 22, 2019;

47. Chapter 7 Trustee's Fourth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 309] entered on December 20, 2019;
48. Chapter 7 Trustee's Fifth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 339] entered on January 31, 2020;
49. Order Approving Procedures and Permitting Trustee to Prosecute and Compromise NFA Avoidance Actions [Docket No. 385] entered on February 27, 2020;
50. Order Approving Procedures and Permitting Trustee to Prosecute and Compromise AR Actions [Docket No. 386] entered on February 27, 2020;
51. Chapter 7 Trustee's Sixth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 387] entered on February 27, 2020;
52. Chapter 7 Trustee's Seventh Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 453] entered on May 8, 2020;
53. Order Approving Procedures and Permitting Trustee to Prosecute and Compromise FAO Actions [Docket No. 533] entered on June 15, 2020;
54. Proposed Budget to Eighth Interim Cash Collateral Order [Docket No. 540] filed on June 25, 2020;
55. Chapter 7 Trustee's Eighth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 550] entered on July 1, 2020;
56. Motion of Chapter 7 Trustee for an Order Authorizing it to Conduct Bankruptcy Rule 2004 Examinations of Persons and Entities [Docket No. 555] filed on July 15, 2020;
57. Order Authorizing Chapter 7 Trustee to Conduct Bankruptcy Rule 2004 Examinations of Persons and Entities [Docket No. 594] entered on August 13, 2020;
58. Exhibit 1 to Proposed Ninth Interim Cash Collateral Order [Docket No. 607] filed on August 27, 2020;

59. Chapter 7 Trustee's Ninth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 617] entered on September 1, 2020;
60. Docket Entry: Hearing held; Application APPROVED as set out in open court; order to be submitted; Appearance(s): Paula Beran for Trustee; Erica Morabito, Special Counsel, for Trustee; Kathryn Montgomery for Office of the US Trustee; and Thomas McKee for ULX Partners, LLC (Re: related document(s) [625] Application for Compensation filed by Lynn L. Tavenner) (Gary, Lisa) [Docket No. 641] entered on September 30, 2020;
61. Trustee's Supplemental Motion for Use of Cash Collateral and Grant of Adequate Protection Related Thereto, If Appropriate, and Memorandum in Support Thereof [Docket No. 645] filed on October 2, 2020;
62. Proposed Budget Related to Trustee's Supplemental Motion for Use of Cash Collateral [Docket No. 656] filed on October 13, 2020;
63. Objection of ULX Partners, LLC to the Supplemental Motion for Use of Cash Collateral and Grant of Adequate Protection Related Thereto, If Appropriate, and Memorandum in Support Thereof [Docket No. 658] filed on October 16, 2020;
64. Trustee's Reply in Support of Her Supplemental Motion for Use of Cash Collateral and Grant of Adequate Protection Related Thereto, if Appropriate, and Memorandum in Support Thereof [Docket No. 667] filed on October 27, 2020;
65. Docket Entry: Hearing held and continued; Declaration of Lynn Tavenner, Trustee [669] and Exhibits Thereto [670], [671], and [672] ADMITTED. Appearance(s): Paula Beran for Trustee; Thomas John McKee, Jr., David G. Barger, and J. Gregory Milmo of Greenberg Traurig on behalf of ULX Partners, LLC (Re: related document(s) [645] Motion to Approve Use of Cash Collateral filed by Lynn L. Tavenner) Hearing scheduled for 10/30/2020 at 11:00 AM at Judge Huennekens' Courtroom, 701 E. Broad St., Rm. 5000, Richmond, Virginia. (Gary, Lisa) [Docket No. 679] entered on October 29, 2020;
66. Order Continuing Hearing [Docket No. 680] entered on October 29, 2020;
67. Docket Entry: Hearing held; Evidence Presented; Argument(s) Held; Motion GRANTED. Witness Sworn: Lynn L. Tavenner, Trustee. Appearance(s): Paula Beran for Trustee; Erica Morabito, Special Counsel, for Trustee; Douglas Foley David G. Barger, and J. Gregory Milmo of Greenberg Traurig on behalf of ULX Partners, LLC; Douglas Foley for ABL Alliance, LLLP (Re: related document(s) [645] Motion to Approve Use of Cash Collateral filed by Lynn L. Tavenner) (Gary, Lisa) [Docket No. 681] entered on October 30, 2020;

- 68. Chapter 7 Trustee's Tenth Interim Order (I) Authorizing Use of Prepetition Secured Lenders' Cash Collateral Pursuant to 11 U.S.C. §§ 361 and 363, and (II) Granting Adequate Protection and Related Relief to Prepetition Senior Secured Lenders [Docket No. 682] entered on November 2, 2020;
- 69. Transcript of Hearing held on December 19, 2019 at 1:05 p.m. [Docket No. 743].
- 70. Transcript of Hearing held on October 29, 2020 at 11:00 a.m. [Docket No. 757];
- 71. Transcript of Hearing held on October 30, 2020 at 11:00 a.m. [Docket No. 689].

**C. CLAIMS REGISTER FOR BANKRUPTCY CASE NO. 19-34574-KRH**

- 72. Proof of Claim No. 174-1 filed by ULX Partners, LLC on December 12, 2019;
- 73. Proof of Claim No. 175-1 filed by ULX Partners, LLC on December 12, 2019; and
- 74. Proof of Claim No. 175-2 filed by ULX Partners, LLC on December 13, 2019.

Dated: May 3, 2021

Respectfully submitted,

/s/ David G. Barger

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*Counsel to Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May 2021, I served a true and correct copy of the foregoing document via electronic mail upon:

Erika L. Morabito, Esq. (emorabito@foley.com)  
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